

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CARMON E. WARREN,

No. C 02-5779 SBA (pr)

Petitioner,

v.

A. K. SCRIBNER, Warden,

Respondent.

**ORDER DIRECTING RESPONDENT TO
FILE RESPONSE TO PETITIONER'S
MOTION FOR RELIEF FROM
JUDGMENT**

Petitioner, a state prisoner, filed a notice of appeal of this Court's judgment dismissing as time-barred his petition for a writ of habeas corpus under 28 U.S.C. § 2254. Thereafter, the Court granted Petitioner's request for a certificate of appealability upon finding that "reasonable jurists could disagree with this Court's conclusion that Petitioner's application is time-barred." (June 23, 2006 Order at 1 (citing Thomas v. Greiner, 174 F.3d 260, 261 (2d Cir. 1999) (district court may grant certificate of appealability under 28 U.S.C. § 2253(c) on whether habeas petition is time-barred)).)

On November 21, 2007, the Ninth Circuit Court of Appeals affirmed the judgment of this Court.

Before the Court is Petitioner's pro se motion for relief from judgment, pursuant to Federal Rule of Civil Procedure 60(b). Respondent has not filed a response to Petitioner's motion. Accordingly, Respondent is GRANTED leave to file a response to Petitioner's motion for relief from judgment. Respondent shall file his brief no later than **thirty (30) days** from the date of this Order.

IT IS SO ORDERED.

DATED: 1/14/11


SAUNDRA BROWN ARMSTRONG
United States District Judge